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*An Introduction to:*

# The Montana Legislative Council



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# MEMBERS OF THE 1957-1958 MONTANA LEGISLATIVE COUNCIL



## SENATE MEMBERS

David F. James, Chairman  
Robert A. Durkee  
Arthur S. Hagenston  
William R. Mackay  
Earl Moritz  
Bertha E. Streeter, Secretary



## HOUSE MEMBERS

James R. Felt  
Lloyd Barnard  
Hugh Cumming  
George T. Howard  
Fritz Norby, Vice Chairman  
James Wood, Jr.



## Executive Director

Eugene C. Tidball

## HISTORY, BACKGROUND AND PURPOSES

The Montana Legislative Council is an agency of the Legislature, created by law, with members from both houses. Generally, the Council was created to perform services which facilitate the legislative process. There are now thirty-five states and one territory which have operating legislative councils or council-type agencies.

The creation and expansion of the legislative council idea is viewed by the Council of State Governments as "the most significant development in the legislative agency research field in the last twenty years." Montana is an active member of the Council of State Governments.

The Montana Council was created by House Bill No. 46 which was passed by the 35th Legislature during the regular 1957 session (Chap. 34, Session Laws of 1957). Two previous laws creating Legislative Councils, in 1953 and 1955 had been declared invalid by the Montana Supreme Court. The legality and present law was tested in *James vs. State Board of Examiners*. In that case the court held that the Act creating the Council was constitutional.

The law provides that the Council shall accumulate, compile and analyze such information bearing upon any matters relating to existing or prospective legislation. The Legislative Council has au-

thority to investigate and examine into the costs of state governmental activities and may examine and inspect all records, books and files of any department, agency, commission, board or institution of the State of Montana. The Council also has authority to hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony.

The establishment of the Montana Legislative Council resulted from the need for a continuing and permanent legislative agency which would work closely with and for the Legislature. During the time the Legislature is in session a Senator or a Representative is called upon to study several hundred bills on a wide variety of subjects. In addition each legislator reviews and approves appropriations involving millions of dollars for the numerous state agencies and institutions. Time is short and a wide variety of subjects demands a tremendous amount of study if the legislator is to perform his duty properly. The Legislative Council was created to relieve legislators of part of this burden.

Along with conducting major studies in areas assigned by the Legislature, initiated by the Council itself, or requested by individual legislators, the Council will eventually offer other services to the Legislature. A legislative reference library is now

in its formative stage and with the enlargement of its professional staff the Council hopes to offer spot-research facilities to the individual legislator on request. The possibility of a Bill Drafting service for legislators is also being studied.

Budget analysis is another very important function the Council hopes to fulfill. The steady expansion of existing services and the addition of new governmental programs has transformed state governments, once relatively small and simple, into business operations of impressive size. Most Montana Legislators seldom have at their disposal the facts essential to intelligent judgment on budgetary matters. A legislative budget analysis, conducted throughout the interim would provide a measure of this needed assistance.

## **MEMBERSHIP AND COMMITTEES**

The Montana Legislative Council consists of six members of the House of Representatives, appointed by the Speaker of the House and six members of the State Senate who are appointed by the Senate Committee on Committees. The law requires that no more than three members of each House be of the same political party. Membership on the Council ends with the termination of each member's term of office or on December 31 of the year following the year in which the appointment was made, whichever first occurs. Any vacancy occurring on the Council when the

Legislature is not in session may be filled by another member of the Legislature selected by the remaining members of the Council. The Council members serve without pay but are reimbursed for actual expenses incurred while attending Council or Subcommittee meetings.

The law creating the Council provides that it shall elect one of its members as Chairman and such other officers as it may deem desirable. The Council is also empowered to appoint special committees composed of either other members of the Legislature or private citizens, or both, to study and inquire into any specific governmental problem. The following subcommittees have been created by the Council

### **Rules**

Senator Robert A. Durkee, Chairman  
Senator William R. Mackay  
Representative Hugh Cumming

### **Prison**

Representative Lloyd Barnard, Chairman  
Senator William R. Mackay  
Senator Bertha E. Streeter  
Representative Hugh Cumming

### **Legality**

Representative James R. Felt, Chairman  
Senator Earl Moritz  
Representative James Wood, Jr.

**Budgeting, Appropriations  
And Audit Procedures**

Senator William R. Mackay, Chairman  
Senator Arthur S. Hagenston  
Representative Fritz Norby  
Representative James Wood, Jr.

**Education Beyond High School**

Senator Earl Moritz, Chairman  
Senator Robert A. Durkee  
Representative Hugh Cumming  
Representative George T. Howard

**Education-Taxation**

Representative James Wood, Jr., Chairman  
Senator Arthur S. Hagenston  
Senator Earl Moritz  
Representative George T. Howard

**Indian Affairs**

Senator Bertha E. Streeter, Chairman  
Senator Robert A. Durkee  
Representative Lloyd Barnard  
Representative Fritz Norby

**Legislative Service and Bill Drafting**

Representative James R. Felt, Chairman  
Representative Lloyd Barnard  
Senator Robert A. Durkee  
Senator Bertha E. Streeter



The Council's staff presently consists of the Executive Director plus necessary secretarial and clerical help.

## **RULES OF PROCEDURE**

The Council is empowered by law to adopt rules of procedure and make all arrangements for its meetings. Complete minutes of the meetings are maintained and are open to inspection by any member of the Legislature. The following rules have been adopted by the members of the Council:

### **RULES**

#### **Rule I**

Regular meetings of the Legislative Council shall be held on the third Monday of each month at 10:00 A. M. in the Capitol Building, Helena, Montana, unless otherwise ordered by a two-third vote of members present and voting at a previous meeting. Special meetings may be called by the Chairman on at least ten (10) day's notice to the members. Subcommittee meetings may be called at any time convenient to the subcommittee members and on call of the subcommittee chairman.

#### **Rule II**

All meetings of the Legislative Council, or any sub-committee thereof, shall be conducted under

the established rules of the Senate of the State of Montana as to quorums and parliamentary procedure as applicable.

### **Rule III**

Special or subcommittees shall be established by appointment of the Chairman of the Council by and with the approval of the majority of the Council present and voting at any regular or special meeting. Membership of all committees shall be of an equal number of both political parties. All subcommittees shall be chaired by a member of the Council.

### **Rule IV**

Subject matters to be reviewed and/or studied shall be presented by or through a member or members of the Montana Legislature and shall be in writing on the prescribed form. Resolutions of the Montana Legislature, whether joint or separate, shall have priority over all other proposals in the order of their submission to the Council.

### **Rule V**

Subject matters to be reviewed and/or studied shall become a mandate of Council action upon adoption by nine members of the Council. Final recommendations to the Legislature shall be with the approval of not less than nine members of the Council.

## **Rule VI**

Subject to the approval of the Council, the Executive Director may engage necessary stenographic, clerical and other assistance for the operation of the Council and its committees.

## **Rule VII**

The minutes of all regular and special meetings shall be mailed to each member of the Council as soon as possible after each meeting.

## **Rule VIII**

A subcommittee shall make a progress report on all matters referred to it not later than the next monthly meeting of the Council. In case a subcommittee report presents the final recommendation of the subcommittee on any proposal, such proposal shall then be considered by the entire Council. When a subcommittee reports progress, the Chairman or member thereof may read or explain the report, and the Council may immediately consider the information, facts and opinions presented in the report and may instruct the committee regarding its further consideration of the proposal. Progress reports shall be of such a nature as to inform other members of the Council of the problems involved and the possible solutions which might be considered.

### **Rule IX**

All claims and requisitions must be approved by the Chairman of the Council.

### **Rule X**

All meetings shall be open to the public except when in executive session.

### **Rule XI**

All publicity and news releases on behalf of the Council shall be made by the Chairman of the Council.

### **Rule XII**

Alteration, suspension or amendment of these rules may be by vote of nine members of the Council.

## **FORMS FOR PROPOSALS TO THE LEGISLATIVE COUNCIL**

Rule IV above sets out the procedure for the presentation of proposals to the Legislative Council. Any member of the Legislature, whether a member of the Council or not, may present proposals to the Legislative Council. A proposal must have a descriptive title and must contain the date and name of the legislator presenting it to the Council (See Form I). When the Council is in session the proposal may be presented by its

sponsor. When the Council is not in session proposals may be mailed to the office of the Executive Director and will be presented at the next regular meeting.

Proposals should be presented in typewritten form, in triplicate, on legal size (8½x14) paper. The title of a proposal should be as brief as possible but should also be descriptive of the subject which the sponsor wishes to present to the Council.

Explanatory matter (See Form 2) may be attached to the proposal for the information of the Council and all interested persons. Supplemental matter may be in such detail as the sponsor deems necessary to explain the purposes and intent of the proposal. If the explanation is brief it may be written on the same page as the proposal itself. (See Form 3.)

As stated in Rule V above, proposals to be reviewed and/or studied shall become a mandate of Council action upon adoption by nine members of the Council.

PROPOSAL NO.....

April 7, 1958

By Representative Smith of Glacier County  
A PROPOSAL to implement by State  
Legislation, Public Law 566, a Federal  
Act regarding Soil Conservation and  
Flood Prevention.

Referred to Committee on.....  
(To be inserted after introduction of Proposal)

(Explanatory Matter.....hereto attached)  
(State if not)

## EXPLANATION

Public Law 566 was passed by Congress in 1954 to provide funds to assist local organizations in constructing work improvement projects for soil conservation and flood prevention purposes.

It will require action by the Montana State Legislature providing administrative procedures for the acceptance of Federal Aid under this program. A separate state agency could be given the responsibility of acting as a "clearing house" for projects proposed by the local public agency.

The local drainage districts would be the logical subdivisions to be authorized to cooperate and enter into agreements with other political subdivisions of the state. They would also be authorized specifically by law to accept Federal Aid.

Once such procedures are adopted and cooperation with the Federal Government has been authorized, the local organization designated by law could request the Federal Government to conduct investigations and surveys and could receive financial and other assistance from the Federal Government.

It is believed by the sponsor that the Federal Government requires that full control of the projects must be left in the hands of the local agency once the request for aid has

Form No. 3—PROPOSAL WITH EXPLANATION ON  
SAME PAGE (Sample)

PROPOSAL NO.....

April 7, 1958

By Senator Jones of Powder River County  
A PROPOSAL for legislation to implement  
Public Law 875 regarding Flood Disaster  
Relief.

EXPLANATION

Public Law 875 was passed by Congress in 1950-1951 which authorized federal funds to provide relief and other assistance in major disasters.

There is presently no State Disaster Relief Program but such a program could be established whereby state funds augment federal funds granted under the Federal Disaster Relief Program.

Public Law 875 provides that Federal Agencies will, when authorized by the president, provide assistance to states and local governments by providing equipment, supplies, food, medicine and other resources.

However, before such aid could be accepted, State Legislation would have to be passed authorizing cooperation and establishing administrative procedures.

Referred to Committee on.....  
(To be inserted after introduction of Proposal)